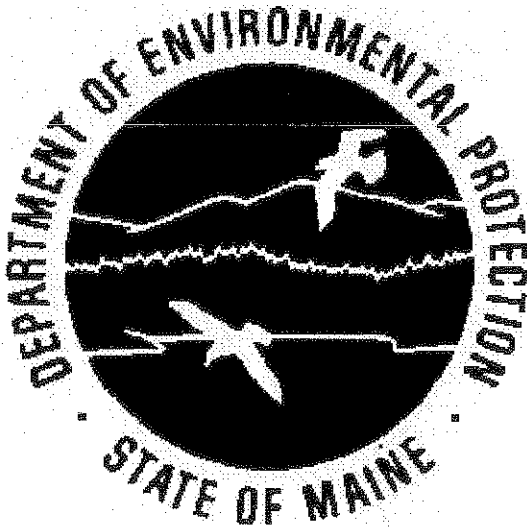


**STATE OF MAINE**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**General Permit – Construction Activity**

**Maine Pollutant Discharge Elimination System (MPDES)**  
**With Basic Performance Standards Appendices**



**GENERAL PERMIT -- CONSTRUCTION ACTIVITY**  
Maine Pollutant Discharge Elimination System (MPDES)

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**PART I -- General Permit Coverage**

**A. General coverage of this permit.** This general permit authorizes the direct discharge (point source discharge) of stormwater associated with construction activity to waters of the state other than groundwater, provided that the discharge meets the requirements of this general permit and applicable provisions of Maine's waste discharge and water classification statutes and rules. This general permit also authorizes the direct discharge of stormwater from support activities. "Construction activity" is defined in Part II (page 2).

This general permit is effective July 21, 2006, and authorization to discharge under this general permit expires January 20, 2008. This general permit applies in those parts of the State of Maine for which the Department has received delegated authority under the federal NPDES program. See Part V (page 10), for a list of specific limitations on coverage of this general permit.

**B. Authority.** A permit is required for the direct or indirect discharge of pollutants to waters of the State.<sup>1</sup> A general permit may be issued for point discharges (direct discharges) of stormwater.<sup>2</sup> A violation of a condition or requirement of a general permit constitutes a violation of Maine's water quality laws and the federal Clean Water Act, and subjects the discharger to penalties under 38 M.R.S.A. § 349, and § 309 of the Clean Water Act. Nothing in this general permit is intended to limit the Department's authority under the waste discharge and water classification statutes or rules. This general permit does not affect requirements under other applicable Maine statutes such as Site Location of Development (Site Law), Stormwater Management, Land Use Regulation Commission (LURC), and Natural Resources Protection (NRPA).

→ **C. Continuation of expired General Permit.** If this permit is not reissued, revoked or replaced prior to the expiration date, it will be administratively continued in accordance with the Administrative Procedures Act and remain in force and effect. Any permittee who was granted permit coverage prior to the expiration date will automatically remain covered by the continued permit until the earlier of:

<sup>1</sup> See 38 M.R.S.A. § 413.

<sup>2</sup> See 06-096 CMR 529(2)(a)(2)(i).

1. Reissuance or replacement of this general permit, at which time the permittee must comply with the notice of intent conditions of the new permit to maintain authorization to discharge; or
2. The permittee's submittal of a Notice of Termination; or
3. Issuance of an individual permit for the permittee's discharges; or
4. A formal permit decision by the Director not to reissue this general permit, at which time the permittee must seek coverage under an alternative general permit or individual permit.

This general permit does not prevent a municipality from adopting stricter standards than contained in this general permit, or in state or federal law.

## **PART II -- Definitions**

The following terms have the following meanings when used in this general permit. Additional definitions are found in 06-096 CMR 520 and in the waste discharge and classification laws.

**A. Construction activity.** "Construction activity" or "activity" means:

1. Construction activity including one acre or more of disturbed area, or activity with less than one acre of total land area that is part of a common plan of development or sale, if the common plan of development or sale will ultimately disturb equal to or greater than one acre; or
2. Any other construction activity designated by the Department based on the potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to waters of the State.

Note: Based upon Maine's soils, topography, and extensive water resources, the Department has determined that the great majority of construction activities disturbing one acre or more will result in discernable concentrated flows (direct discharges) to waters of the state.

**B. Common plan of development or sale.** A "common plan of development or sale" means a subdivision as determined by the Land Use Regulation Commission (LURC), or a subdivision under municipal law as determined by the municipality where the subdivision is located.

**C. Department.** "Department" means the State of Maine Department of Environmental Protection.

**D. Direct discharge.** "Direct discharge" or "point source" means any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which pollutants are or may be discharged.<sup>3</sup>

**E. Direct watershed of a waterbody or wetland.** "Direct watershed of a waterbody or wetland" is the land area that drains, via overland flow, natural or man-made drainage systems, or waterbodies or wetlands, to a given waterbody or wetland without first passing through an upstream waterbody classified as GPA.

**F. Disturbed area.** "Disturbed area" is clearing, grading and excavation, which means all the land areas that are stripped, graded, grubbed, filled, or excavated at any time during the site preparation or removing vegetation for, or construction of, a project. "Disturbed area" does not include routine

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<sup>3</sup> 38 MRSA § 466(5) (definition of "direct discharge") and 06-096 CMR 520 (definition of "point source").